

Exhibit D

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

ORANGEBOY, INC.,

Plaintiff,

v.

PATRON POINT, INC.,
Ohio Registered Agent Service, LLC
6545 Market Ave. North, #100
North Canton, OH 44721

and

DOES #1–5,

Defendants.

Case No. 2:20-cv-4245

Judge James L. Graham

Magistrate Judge Kimberly A. Jolson

DECLARATION OF JOSHUA M. FEASEL

1. I, Joshua M. Feasel, am over the age of 18, am not under any disability, and am competent to testify to the facts stated below based on my personal knowledge.

2. I am legal counsel to OrangeBoy, Inc. in this matter.

3. Exhibit 1 to this affidavit is a screenshot of the Twitter feed of “St Paul Public Library” (<https://twitter.com/StPaulPublicLi1>).

4. Exhibit 2 to this affidavit is a screenshot of the Twitter feed of “Beth Ryan” (<https://twitter.com/BethRya37389413>).

5. Exhibit 3 to this affidavit is a screenshot of the LinkedIn page of Ian Downie (<https://www.linkedin.com/in/iandownie/>).

6. Exhibit 4 to this affidavit is a screenshot of the LinkedIn page of Nigel Wheeldon (<https://www.linkedin.com/in/nigel-wheeldon-2526252/?originalSubdomain=uk>).


7. Exhibit 5 to this affidavit is a true and correct copy of a letter that I sent on August 3, 2020, to Patron Point, Inc., three members of its management team, and an apparently related entity, Third Chapter Partners, LLC, about the recent attacks on OrangeBoy, Inc.'s security.

8. On August 7, 2020, I received a call from Patron Point's counsel, Sterling Weiser. Mr. Weiser assured me that Patron Point planned to investigate the matter, and he asked for additional information about the attacks. I gave Mr. Weiser the additional information I had at hand and offered to set up a call with OrangeBoy's technical team to provide further information. To date, Mr. Weiser has not taken me up on this offer and has provided no further details about the status of Patron Point's investigation.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.


Date:

8/20/2020



Joshua M. Feasel

Exhibit 1



Beth Ryan

@BethRya37389413

Joined May 2020

1 Following 0 Followers

Not followed by anyone you're following

Tweets

Tweets & replies

Media

Likes



Beth Ryan Retweeted

Patron Point #LibraryMarketing @patronpoint · Jul 28

A short video overview of how your library can really use targeted email marketing to drive community engagement using our library marketing automation platform.

email demo@patronpoint.com to request your live web demo.

#LibraryMarketing #PatronPoint #LibraryMarketingAutomation



0:00 23 views

5

5



Beth Ryan Retweeted

Patron Point #LibraryMarketing @patronpoint · Jul 20

Join the hundreds of public libraries using Patron Point for their library marketing.

patronpoint.com

#LibraryMarketing #PublicLibraries



2

3



Beth Ryan Retweeted

Patron Point #LibraryMarketing @patronpoint · Jul 24

Join us in welcoming Salina Public Library, KS into the Patron Point library marketing family. They can't wait to get our marketing automation platform hooked up with their Koha ILS.

Welcome @SalinaPL

#LibraryMarketing #PublicLibraries #LibraryMarketingAutomation



6

6



Beth Ryan Retweeted

Patron Point #LibraryMarketing @patronpoint · Jul 21

Is your library using Patron Point for its library marketing yet? If not, why not join the hundreds of public libraries around the world? Check it out for yourself.

patronpoint.com


#LibraryMarketing #PublicLibraries



2


2

Who to follow

**Sideswipe Brewing** @sideswipebrew


Kick-ass beers in Cbus OH. Taproom Hours Wed - Thu: 4-9PM Friday: 4-10PM Saturday: 2-10PM Sunday: 2-7pm Located:2419 Scioto Harper Drive. Phone: +1 614-401-1598

Follow

**John Dean** @jhnmdn1

Beer, baseball, horror movies, Dave Matthews Band...that's about it.


Follow

**Peabody Papers** @PeabodyPapers

Peabody Papers is an independently owned stationery store specializing in custom wedding and event invitations and uniquely curated cards and gifts.

Follow

Show more



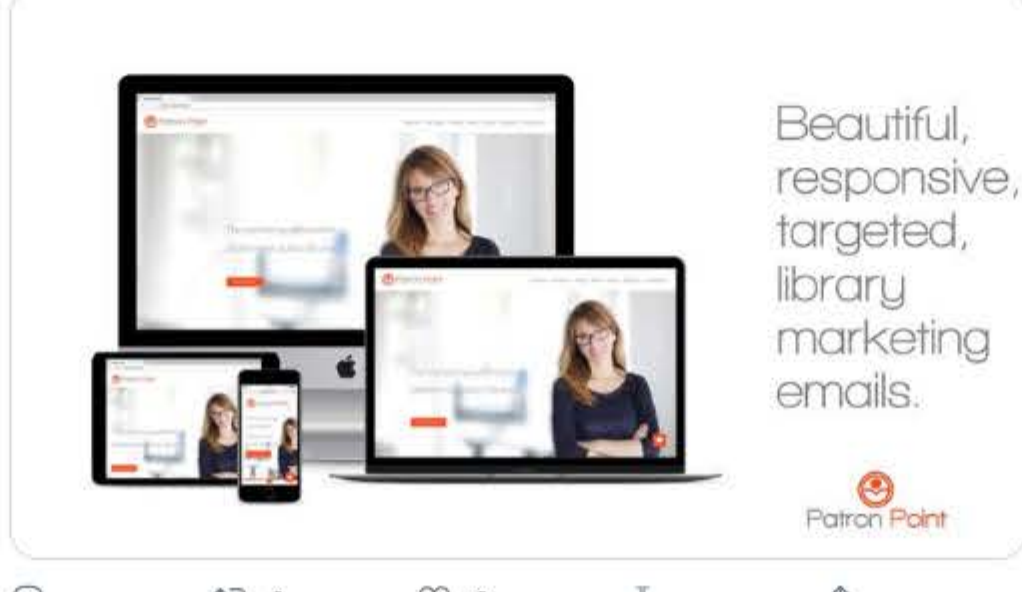
Beth Ryan Retweeted

Patron Point #LibraryMarketing @patronpoint · Jul 20

Join the hundreds of libraries around the world using Patron Point for their library marketing.

patronpoint.com

#LibraryMarketing #PublicLibraries #LibraryMarketingAutomation



6

6

Search Twitter

What's happening

XFL · 50 minutes ago

Dwayne Johnson is now a part-owner of the XFL

Trending with: **Ballers**



Trending in United States

Men's Wearhouse

4,672 Tweets

Trending in United States

PS4 controller

4,594 Tweets

News · Last night

Microsoft says it will pursue talks to buy TikTok in the US after consulting President Trump

Trending with: **Microsoft**



Politics · Trending

ENEMY OF THE PEOPLE

86.3K Tweets

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Exhibit 2

Home

Explore

Notifications

Messages

Bookmarks

Lists

Profile

More

Tweet

Josh Feasel

@JMFeasel

St Paul Public Library

56 Tweets

St Paul Public Library

@StPaulPublicLi1

Joined May 2020

0 Following 2 Followers

Not followed by anyone you're following

Tweets

Tweets & replies

Media

Likes

St Paul Public Library Retweeted

Patron Point #LibraryMarketing @patronpoint · Jul 28

A short video overview of how your library can really use targeted email marketing to drive community engagement using our library marketing automation platform.

email demo@patronpoint.com to request your live web demo.

#LibraryMarketing #PatronPoint #LibraryMarketingAutomation

1:57 26 views

5 5

St Paul Public Library Retweeted

Patron Point #LibraryMarketing @patronpoint · Jul 20

Join the hundreds of libraries around the world using Patron Point for their library marketing.

patronpoint.com

#LibraryMarketing #PublicLibraries #LibraryMarketingAutomation

6 6

St Paul Public Library Retweeted

Patron Point #LibraryMarketing @patronpoint · Jul 24

Join us in welcoming Salina Public Library, KS into the Patron Point library marketing family. They can't wait to get our marketing automation platform hooked up with their Koha ILS.

Welcome @SalinaPL

#LibraryMarketing #PublicLibraries #LibraryMarketingAutomation

6 6

St Paul Public Library Retweeted

Patron Point #LibraryMarketing @patronpoint · Jul 18

Want to get the RIGHT library marketing message to the RIGHT people at the RIGHT time? It's easy using Patron Point's powerful, real time, dynamic segmentation tools for your library marketing automation.

patronpoint.com

#LibraryMarketing #PublicLibraries

5 5

Who to follow

The Ohio Taproom follows

Cin

@BeerNBucketList

I'm just a bonus mom with great beer, bourbon & bucket lists that grow incredibly awesome with every person I meet!

Follow

The Ohio Taproom and 2 others follow

Sideswipe Brewing

@sideswipebrew

Kick-ass beers in Cbus OH. Taproom Hours Wed - Thu: 4-9PM Friday: 4-10PM Saturday: 2-10PM Sunday: 2-7pm Located:2419 Scioto Harper Drive. Phone: +1 614-401-1598

Follow

The Ohio Taproom follows

John Dean

@jhnmdn1

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XFL · 48 minutes ago

Dwayne Johnson is now a part-owner of the XFL

Trending with: Spencer Strasmore

Trending in United States

Men's Wearhouse

4,638 Tweets

Trending in United States

PS4 controller

4,574 Tweets

News · Last night

Microsoft says it will pursue talks to buy TikTok in the US after consulting President Trump

Trending with: Microsoft

Politics · Trending

Florida

21.1K Tweets

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Exhibit 3

BUSINESS INSIDER Premium - Seattle tech salaries: The highest-paid jobs at Amazon, Microsoft, and more Ad ...



Ian Downie · 3rd

Marketing automation, driving engagement for public libraries

United Kingdom · 500+ connections · [Contact info](#)

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Patron Point

About

Sales & marketing leader having started, grown and exited a number of high growth tech-based startups in a range of areas from public sector, mobile/web/software, media, marketing and professional services.

Activity

816 followers

[See all](#)



Ted Fons, Gene Shimshock, Brendan Pearce, Nigel Wheeldon - welcome...

Ian shared this
1 Reaction



All the best Trey

Ian commented



Ted Fons, Gene Shimshock, Brendan Pearce, Nigel Wheeldon - welcome...

Ian shared this
4 Reactions



Ted Fons, Gene Shimshock, Brendan Pearce, Nigel Wheeldon - welcome...

Ian shared this
1 Reaction

Experience



Vice President, Growth

Patron Point
Dec 2018 – Present · 1 yr 9 mos
Glasgow, United Kingdom

Vice President, Growth at Patron Point™, the first of its kind patron relationship management platform that gives public libraries the tools they need to drive library collection and service use, attract new patrons, and achieve strategic and operational goals. With Patron Point, libraries can produce personalized and highly-targeted email and web interactions that result in a more personalized and engaging patron experience. Libraries can benefit immediately from a foundation of Proven Programs™ or create their own programs and workflows that are customized to their unique user communities and needs.



Owner, CEO, Investor

Ten P's
Jan 2012 – Present · 8 yrs 8 mos
London / Glasgow

Strategic Marketing Consultancy and Investors helping UK-based business expand internationally through creation of effective go-to-market strategies, investment and tactical input.



Founder, Director, International Business Development

collectionHQ
Jan 2008 – Feb 2018 · 10 yrs 2 mos
Glasgow, United Kingdom

As a founder of collectionHQ, I was responsible for developing and leading all commercial strategy and activity. This included strategic marketing, building the brand from zero and personally selling the product to the first 100+ customers globally - opening and launching the product into each new market we tackled. I built an amazing commercial team that delivered outstanding interna...[see more](#)



Non Executive Director

MobiVentures Inc
Mar 2007 – Dec 2007 · 10 mos
New York City, USA

Advising on acquisition strategy for mobile technology companies entering our investment portfolio and working with management team post-acquisition to grow shareholder value and align/streamline/merge businesses within the portfolio.



Group Commercial Director

Innovation Centres Scotland
Jan 2004 – Dec 2007 · 4 yrs
Glasgow, United Kingdom

High Growth Incubator within the mobile technology sector. Led a team of specialists supporting over 150 of Scotland's high potential young companies within the mobile technology space helping them build plausible business plans, product development, market research, sales & marketing, strategy and funding. ...[see more](#)

[Show 4 more experiences](#) ▼

Education



CCAT
BSc 1st Class Hons, Chemistry

Volunteer Experience



Volunteer
The Trussell Trust / Foodbank
Dec 2015 · 1 mo

Skills & Endorsements

Start-ups · 36



Endorsed by Stephen Whitelaw and 3 others who are highly skilled at this



Endorsed by 2 of Ian's colleagues at Innovation Centres Scotland

Strategic Partnerships · 21



Endorsed by 2 of Ian's colleagues at Innovation Centres Scotland

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What do you like to do outside of work?



Tell me about a time you worked with a difficult person.



Tell me about a time you failed or made a mistake.

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Try Premium Free for 1 Month



Ian Downie

Marketing automation, driving engagement for public libraries

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Recommendations

[Received \(11\)](#)

[Given \(2\)](#)



Gary Ennis

Digital Skills and Social Media Training delivered via Live Webinar ☆ Founder of NSDesign Online Training Consultancy.

October 21, 2015, Gary worked with Ian but at different companies

I've know Ian Downie for years - as a business advisor, client, and friend. There's not much he doesn't know about business, and his knowledge of the digital and mobile sector is second to none. As a client (working with CollectionHQ) I cannot fault him - great communication, clear brief, and good working partners... [See more](#)



Christopher G. Kahn

EarlyWord.com--Closing June 30, 2017
December 18, 2014, Ian was a client of Christopher G.'s

Ian Downie is a consummate business professional whose keen intellect, innate sales senses and winning personality are his keys to success. I met and began working with Ian during the roll-out of CHQ to the US library market. He knew exactly what he was doing, and engineered a successful launch strategy ideally pos... [See more](#)

[Show more](#) ▼

Accomplishments

3

Languages

English · French · German

Interests



Brooklyn Public Library
7,080 followers



American Library Association
57,120 followers



Douglas County Libraries
2,144 followers



ProQuest
21,362 followers



Marketing Public Libraries Think Ta...
7,553 members



Entrepreneurial Scotland
1,262 members

[See all](#)

Promoted



BUSINESS INSIDER Premium
Seattle tech salaries: The highest-paid jobs at Amazon, Microsoft, and more



Is Your Start Up Lagging?
Assemble a virtual advisory board to help with funding, strategy and growth



Are You A CEO?
You're invited to apply for inclusion in the Marquis Executive Registry



Messaging



LinkedIn

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Community Guidelines

Privacy & Terms ▼

Sales Solutions

Safety Center

Accessibility

Careers

Ad Choices

Mobile

Talent Solutions

Marketing Solutions

Advertising

Small Business



Questions?

Visit our Help Center.



Manage your account and privacy

Go to your Settings.

Select Language

English (English)

Exhibit 4

Exhibit 5



JOSHUA M. FEASEL
ATTORNEY AT LAW

P.O. BOX 6842
DETROIT, MI 48206
734.726.0016
JOSH@FEASELPLLC.COM

August 3, 2020

Ian C. Downie Theodore A. Fons Eugene A. Shimshock, II
ian@patronpoint.com ted@patronpoint.com gene@patronpoint.com

Patron Point, Inc. Ohio Registered Agent Service, LLC 6545 Market Ave. North, #100 North Canton, OH 44721	Third Chapter Partners, LLC (d/b/a Patron Point) 6418 Newgrange Drive Dublin, OH 43016
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**Re: Demand to cease and desist efforts to breach the
security of OrangeBoy, Inc.**

Dear Messrs. Downie, Fons, and Shimshock:

I write on behalf of my client, OrangeBoy, Inc., regarding a serious matter. In short: OrangeBoy has uncovered evidence that someone associated with Patron Point has been trying to hack into OrangeBoy's servers.

OrangeBoy has earned its clients' trust by taking security very seriously. It spends significant time and energy ensuring the continued privacy of both its own and its clients' confidential data, and it maintains strict procedures and security protocols to help it do so. In recent months, OrangeBoy's security team observed a number of attempts to gain unauthorized access to the company's servers, primarily through efforts to guess and reset the user passwords for OrangeBoy users. Recently, however, these efforts intensified. In just the last week, OrangeBoy has observed not only further attempts to guess and reset user passwords for OrangeBoy users, but also (1) attempts to guess and reset passwords for users associated with OrangeBoy's *clients*; (2) the use of a fake name and institutional affiliation to seek technical information about OrangeBoy's services; and (3) an apparent attempt to overwhelm OrangeBoy's servers or to obscure these other intrusion efforts through an "email subscription bomb."

OrangeBoy's investigation into these escalating attacks strongly suggests that someone associated with Patron Point is responsible for them.

We do not make these serious allegations lightly. Efforts to hack into a competitor's computer system are illegal under federal and state law, and such conduct could subject the hacker to significant criminal and civil liability. Moreover, as you can surely imagine, a successful intrusion into OrangeBoy's servers would significantly harm our industry as a whole by weakening trust in the security and confidentiality of library cardholder data.

For those reasons, we cannot imagine that this conduct would take place with the knowledge and approval of Patron Point's senior management. We therefore write in hopes that once you are made aware of the situation, you will take appropriate steps to remedy it and make sure that it will not recur. In particular, we ask that you:

- (1) Immediately cease and desist the conduct described above, as well as any other attempts to obtain unauthorized access to OrangeBoy's servers, to overload or otherwise damage OrangeBoy's computer systems, or to obtain information from OrangeBoy by false pretenses;
- (2) Investigate the circumstances under which those efforts were undertaken;
- (3) Identify and immediately terminate the employment of all persons responsible for such actions; and
- (4) Implement policies and practices to ensure that no one affiliated with Patron Point will engage in similar behavior in the future.

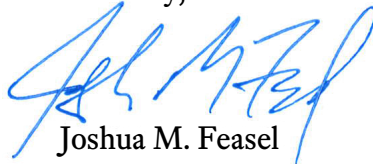
We would be glad to work with your security team to help them track down the source of this misconduct. Please just let us know how we can help.

Given the seriousness of this matter, we ask that you act promptly to address our requests. Please confirm as soon as possible that you are investigating the matter, and in any event let us know by the end of the day on Monday, August 10, 2020, what steps you have taken to remedy the situation.

Although we sincerely hope to resolve this matter amicably, OrangeBoy reserves its right to take further action to remedy this conduct, including legal action if necessary. Accordingly, we ask that you take steps to preserve all information in your possession, custody, or control regarding this matter. This includes emails, text messages, server and activity logs, social-media accounts, and any other information that falls within the scope of Rule 34 of the Federal Rules of Civil Procedure. The failure to preserve any relevant information—even if that information is destroyed through automatic processes or standard document-destruction policies—may be grounds for sanction by a court of law.

Thank you for looking into this matter. We hope to hear from you soon.

Sincerely,



Joshua M. Feasel

cc: Sandra Swanson
M. Clark Swanson II
Christopher Kelbley